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Late Antiquity to the Early Middle Ages: What Kind of Transition?

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Abstract
The stereotype of slave-run *latifundia* being turned into serf-worked estates is no longer credible as a model of the transition from antiquity to the middle ages, but Chris Wickham's anomalous characterisation of the Roman Empire as 'feudal' is scarcely a viable alternative to that. If a fully-articulated feudal economy only emerged in the later middle ages, what do we make of the preceding centuries? By postulating a 'general dominance of tenant production' throughout the period covered by his book, Wickham fails to offer any basis for a closer characterisation of the post-Roman rural labour-force and exaggerates the degree of control that peasants enjoyed in the late Empire and post-Roman world. A substantial part of the rural labour-force of the sixth to eighth centuries comprised groups who, like Rosamond Faith's inland-workers in Anglo-Saxon England, were more proletarian than peasant-like. The paper suggests the likely ways in which that situation reflected Roman traditions of direct management and the subordination of labour, and outlines what a Marxist theory of the so-called colonate might look like. After discussing Wickham's handling of the colonate and slavery, and looking briefly at the nature of estates and the fate of the Roman aristocracy, I conclude by criticising the way Wickham uses the category of 'mode of production'.

Keywords
Marxism, Chris Wickham, antiquity, feudalism, colonate, slavery

Introduction: Marxist uncertainties

A Marxist characterisation of late antiquity and the early middle ages (the whole period from 300 to 800, *grosso modo*) involves at least two sets of issues. First, what would a coherent Marxist characterisation of the economic structure of late antiquity look like? In sharp contrast to Stalin's theory of the final extinction of classical slavery in a 'slave-revolution', slavery was widespread and entrenched in the post-Roman West. It had certainly not disintegrated under the hammer-blows of a revolution, much less one carried through by

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slaves. But does the persistence or revival of slavery mean that a slave-*mode of production* dominated the class-relationships of this period? Something like this was argued by Pierre Bonnassie in his seminal work on Catalonia. Bonnassie suggested that 'Catalan society in the ninth and tenth centuries was still a slave society'.[1] Serfdom emerged from the violent and dramatic rupture, the crisis of public authority, that characterised the eleventh century, and in this classic, late-feudal, sense it was *not* a feature of the early middle ages.[2] On the contrary, 'The persistence of a slave economy constitutes one of the chief features of Visigothic Spain'.[3] However, no Marxist historians have gone as far as this, and if anything they have done the opposite, projecting either serfdom or feudalism back into late antiquity. Thus, A. Barbero and M. Vigil refer to the 'feudalisation' of Spain under the Visigoths, arguing this at length,[4] and, among British Marxists, Geoffrey de Ste Croix could even suggest that serfdom was the 'predominant mode of production [*sic*.]' in the later Roman Empire.[5] This bears some resemblance to Rodney Hilton's view that late antiquity had seen large landowners 'creating the production relations characteristic of feudal society'.[6] 'From at least as early as the crisis of the third century town life had been contracting, and *self-sufficient serf-worked estates had begun to dominate the social structure of the Empire*'.[7] Hilton was clearly referring to the institution known to Roman historians as the colonate, but, at a deeper level, his views reflected a tradition of late-Roman historiography shaped, less by anything Marx himself had written, than by Max Weber's famous lecture of 1896.[8] The paradigm, which Weber himself did more to define than most, was one of widespread economic recession and a ruralisation of the life of the Empire. The identification of the colonate with serfdom (common to most historians of the early twentieth century; Ste Croix was its last great representative) was clearly what underpinned the half-baked conception of late antiquity as a precursor of feudalism.

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1. Bonnassie 1991, p. 108.
2. See the excellent survey in Freedman 1996.
3. Bonnassie 1991, p. 71.
4. Barbero and Vigil 1978.
5. Ste Croix 1983, p. 155.
6. Hilton 1976, p. 112.
7. Hilton 1976, p. 110. Compare Hilton 1973, p. 91, referring to the 'replacement of slavery by serfdom, *which was characteristic of the late Roman economy*…'. Contrast this with Marc Bloch, who was emphatic that serfdom was a 'strictly personal bondage' which had *nothing* to do with 'attachment to the soil'. 'Definitions of serfdom arrived at by courts or jurists have survived in some quantity: *none* before the fourteenth century include "attachment to the soil" among its characteristics in any shape or form' (Bloch 1973, p. 86). Bloch called serfdom 'the *most specifically medieval* of all existing institutions' (Bloch 1973, p. 105).
8. Weber 1924.

Today, almost no serious scholar accepts this view, if only because feudalism itself is still so contested.[9] So where does this leave us in terms of a general characterisation of the late-antique world? A more solid Marxist characterisation can surely only come from the conjunction of new perspectives within the historiography itself and simultaneous attempts to map out the *conceptual* landscape in new ways (for example, John Haldon, Manuel Acién and Eduardo Manzano).[10]

The second set of issues relates to our notions of feudalism and of the transition from late antiquity to the early middle ages. How well does the theory of modes of production work for this transition? Do Marxists have a coherent understanding of the feudal mode of production?[11] If a *fully* articulated feudal economy only emerged in the central or even later middle ages, what do we make of the early middle ages? What do we mean by 'serfdom' and when did it evolve? There is scarcely an integrated Marxist position on these issues. For example, Ste Croix implied that there was *no* integral link between serfdom and feudalism[12] and seemed to think that serfdom could form a mode of production *sui generis* (since it was, as he said, the 'predominant mode of production' in late antiquity). In contrast, Hilton, with more sense of historical specificity, had always seen serfdom as central to feudalism. But Hilton also believed that serfdom should not be defined by labour-services alone, whereas Marx himself had done precisely that, claiming in one passage that 'Serf labour… has this in common with wage-labour, in respect of rent, that the latter is paid in *labour*, not in *products*, still less in *money*'.[13] Not only was serfdom, for Marx, the 'broad basis of social production' in the middle ages,[14] but its pure form involved the exaction of labour-services, a position that is clearly at odds with Hilton's view that 'labour rent was not an essential element in the feudal relations of production'.[15] In even

9. Reynolds 1994.

10. Acién is a Spanish Marxist historian whose major contribution was a study of the Andalusi rebel ʿUmar ibn Ḥafṣūn (Acién Almansa 1997). Manzano writes within a broadly left-wing tradition (cf. Manzano Moreno 1998b) and recently published an excellent synthesis on al-Andalus (Manzano Moreno 2006).

11. From a passage in the *Grundrisse*, it is arguable that Marx himself saw feudalism emerging as a 'synthesis' of the 'concentration of landed property' characteristic of the later Roman Empire and the bondage peculiar to the Germanic peoples (Marx 1973, pp. 97–8).

12. Ste Croix 1983, p. 136: 'there is evidently in some people's minds a groundless connection between serfdom and "feudalism" '(!).

13. Marx 1971, p. 401.

14. Marx 1981, p. 970; and of course the terms in which Marx criticised Kovalesky, see Marx 1975, p. 67 (as translated in Krader 1975, p. 383), with Krader 1975, pp. 201ff.; Anderson 1974a, p. 406.

15. Hilton 1976, p. 15.

greater contrast (to Marx), in Wickham's recent book the lord's *lack* of control of the labour-process is (almost?) built into his definition of feudalism,[16] which emerges here in the more abstract structuralist guise of any system of 'coercive rent-taking' that pits landlords on one side against peasants on the other.[17] It was this kind of abstractionism, depleted of historical content, that Anderson had blasted in some of the best pages of *Lineages*,[18] even if his own conception of the feudal mode was a haphazard conglomeration of features that failed to have any significant impact on the historiography.[19] The best work by medievalists working in a left-wing tradition has been decidedly discontinuist, underlining the *novelty* of the middle ages.[20] The paradox of Wickham's conceptual choices is that, however one sees that novelty, it is not definable at the level of the mode of production, since his notion of the feudal mode is construed so loosely that it covers both the Roman Empire and (probably) the whole medieval world and much else besides! The tendency to *dehistoricise* categories such as 'serfdom' (Ste Croix) and 'feudalism' (Wickham, Haldon) in order to be able to extend their application to antiquity is surely a retrograde one. It stems as much from the lack of a more sophisticated Marxist theory of the feudal mode as it does from any conception of late antiquity as a precursor

16. So too in Wickham 2000, p. 33, where *limited* landowner-control over production is stated to be part of the 'economic logic' of feudalism: 'landowners could only influence production by indirect methods [*potevano solo influenzare la produzione con metodi indiretti*]'. This has been a long-standing belief of Wickham's and one which almost certainly stems from Hindess and Hirst. With characteristic disregard for the actual complexity of history, they believed it was a universal feature of precapitalist forms of agricultural production that 'direct producers' had 'effective possession of the means of reproduction of their own labour-power' (Hindess and Hirst 1975, p. 189). One of the strangest passages in *Pre-Capitalist Modes of Production* is the one where, after quoting Kosminsky to the effect that feudalism as a mode of production presumed 'a class of basic producers with a special connection with the land – *which remained, however, the property of the ruling class of feudal lords*' (Kosminsky 1956, p. vi), Hindess and Hirst conclude that feudalism presumes 'direct producers who *own* the means of reproduction of their labour-power' (Hindess and Hirst 1975, p. 191)!

17. Contrast Anderson 1974a, p. 409, referring to the nobility's 'organizing role in production itself, whose typical form in Europe was the manor'.

18. Anderson 1974a, pp. 407ff., a strong defence of the 'specificity' of feudalism that starts with Marx's critique of Kovalevsky.

19. Anderson 1974b, especially pp. 147ff. Anderson himself called this a 'synthesis of elements' whose key-markers included natural economy and the dispersal of political sovereignty. But surely neither is *central* to feudalism. If the former is scarcely credible today (for example, Wickham 2005, pp. 291–2, 796–805), the latter fails to explain how a 'recharged apparatus of feudal domination' (absolutism) could emerge within a mode of production *defined by* its dispersion of sovereignty.

20. For example, Karol Modzelewski, Bruno Andreolli and Massimo Montanari, Manuel Acién Almansa and Paul Freedman.

of feudalism. But Chris Wickham's book is certainly the best starting point for a discussion of these issues.

Background to the late Empire

In Roman history, the 'late Empire' refers in general to the period between the fourth and the seventh centuries, the fourth and early-fifth if the focus is western, since the western Empire fell apart in the fifth, and the sixth and early-seventh as well if we look at the East. The fourth century is thus the watershed that divides Roman from *late*-Roman history. Yet the basic *elements* of the fourth-century Empire were established in the third, with the sweeping reorganisation of the army and the emergence of a new command-structure, on one side, and, on the other, the sustained expansion, throughout the late-second and third centuries, of a network of provincial, mainly African, families who would later form the core of the western aristocracy under Constantine (306–37). Reform of the army excluded senators from military command and signified a major break in the traditional pattern of upper-class dominance. If this was a *democratisation* of the Roman army, as Lopuszański suggested in a seminal paper, it certainly paved the way for the evolution of a professionalised officer-corps and the consolidation of an *esprit de corps* in the higher ranks that dominated much of the political history of the late Empire.[21] By the fourth century, senators were marginal to the composition of the army-leadership, which came, increasingly, to incorporate a strong Germanic component.

The key-result of all this was that, from the main part of the third century, emperors were drawn overwhelmingly from non-senatorial/military backgrounds. The *politically*-relevant élite was not the senatorial class but a military élite whose upward mobility found renewed resonance in the civilian side of the administration, as bureaucracies were expanded and professionalised and a new value set on legal and related forms of expertise. *The social fluidity of the late Empire was the key to its sudden effervescence.* The senate itself was transformed and expanded early in the fourth century and the equestrian order subsumed wholesale into the senatorial class, infusing administrative- and business-skills. The consolidation of the Western aristocracy meant, crucially, an *adjustment* with the state, the ability to manoeuvre and, as far as possible, dominate. By contrast, in the East, state and aristocracy were much-more closely integrated, since the aristocracy was itself of bureaucratic origin and the bedrock of the state's apparatus. These differences would become a major part of the story of why the Empire survived so spectacularly in the East

21. Lopuszański 1938.

when it fell to pieces in the West. The key-innovation of the late Empire that broke with centuries of tradition was Constantine's monetary reform. Just as the military revolution of the third century was decisive in defining the 'style' of the late Empire, vesting state-power in the hands of the military, Constantine's creation of a new *gold*-currency provided the pivotal foundation that sustained the expansion of the governing class as a whole (both senators, new and old, and bureaucracy). As one contemporary commented, the aristocratic élites of the fourth century accumulated vast quantities of gold, so that 'the houses of the powerful were crammed full of it'. In the West, the countryside scaled new peaks of activity as the owners of these vast hoards of money-capital expanded productive capacities and upgraded their fixed-capital investments – a process which is best documented, archaeologically, for the Spanish countryside, most spectacularly in the very rich fourth-century villas of the northern Meseta. To ensure efficiency, the state intervened to pin labour down to the large estates, contriving new definitions that were antithetical to the purism of classical law. In short, the fourth century dramatically *re*configured law, society and economy in ways that were a disaster for the lower classes. For the Italian historian Santo Mazzarino, all this was a major part of the *crisis* of the western Empire, in the sense that 'the peasant masses felt themselves crushed under the weight of the new economy'[22] and sought protection with the aristocracy against the state. 'The small peasant-proprietors turned themselves into *dediticii* of the rich, or as it was called in Celtic *vassi*'. 'These', Mazzarino claimed, 'are the first hints of the economic system of vassalage which marks the Middle Ages'. To offset the crisis, the government unleashed a prolonged deflation which 'in conditions of insufficient productivity brought the society nearer to a natural economy'. 'Thus', that is, with 'vassalage' on one side and natural economy on the other, both rooted in the conditions of the late Empire, 'they set off toward the Middle Ages'.

This framing of the 'transition', of the resilience of an empire undermined by *social* crisis, is conspicuously absent in Wickham's book. Indeed, it will be striking to his colleagues in Italy that there is no reference to their great mentor Mazzarino, not even in the bibliography! Wickham charts a very different course, abandoning the speculative-looking constructions of the 1950s and its textual tools in favour of a wider range of sources and considerable emphasis on the archaeological work, late-Roman and medieval, of the last two decades. For Mazzarino's uncomplicated trajectory from late-antique *patrocinium* to medieval vassalage, a model of almost appealing simplicity, Wickham substitutes a more involved and densely textured history – of

22. Mazzarino 1966, p. 154.

landscapes, exchange-networks, aristocracies and urbanism, and of the fragile autonomy of the peasantry, all moving in complex and uneven ways in a fragmenting world whose sinews were being remorselessly severed throughout this period. The *collapse of the state* and the fragmentation that flowed from it are the structuring principles of Wickham's discussion of these diverse trajectories. Unlike Pirenne, who saw the disintegration of the western Empire as a 'political fact' with minimal implications for the continuity of *'Romania'*, postponing the great catastrophe that ended it to the Islamic expansion of the later-seventh century,[23] Wickham ascribes momentous significance to the *crisis of the state*. In particular, the breakdown of taxation, by which he means taxation-in-kind, had major long-term impacts in the West: a crisis of the urban traditions of antiquity, with major changes in the scale and quality of urbanism, a general weakening and impoverishment of the aristocracy, and the slow-but-inexorable disintegration of the Mediterranean world-system. All of this happened unevenly, of course, and Wickham tracks the changes with a strong sense of their local peculiarities, mapping their real or hypothetical evolution by region and sub-region, and constructing a transition-model of considerable complexity.

I have dealt elsewhere with what I regard as the major analytical weakness of the model, namely, its failure to integrate money into an overall account of the transformation, so, here, I shall deal with a different set of issues.[24] It is a tribute to the profoundly stimulating character of Wickham's book that it throws up a whole lot of issues which are *still largely unresolved*.

Unresolved issues

Chief among these unresolved issues are the following: Firstly, how do we characterise the dynamic of the late Empire? Wickham has clearly moved away from the model of 'The Other Transition', where state and aristocracy were seen as distinct and rival claimants to the 'surplus' and the system as a whole was *driven by the state*, so that the break-up of the western Empire was a *victory* for the aristocracy. In *Framing*, the aristocracy is a major *casualty* of the dissolution of the Empire,[25] and aristocracy and state no longer embody rival modes of production. Yet the new picture is no less problematic. At least the model of 'The Other Transition' drew attention to an *internal* conflict – the aristocracy sabotaged the state, abandoned or deserted it and left the western

23. Pirenne 1968.
24. Banaji 2007, Appendix 5.
25. Wickham 2005, pp. 255, 534.

Empire to its fate (numerous historians have argued this, from Sundwall to Peter Brown). In *Framing*, the model lacks any internal dynamic. The decline of taxation, triggered by the invasions and the break-up of the Empire, unfolds like a huge tidal wave that drags the senatorial élites along, shattering the structures of their dominance – inter-regional networks, urban prosperity, the economic unity of the Mediterranean, and so on. Second, why use the imagery of *modes of production* to characterise the transition from the late Empire to the middle ages, if, as Wickham claims, the feudal mode of production was the 'normal economic system of the *ancient and medieval* periods'?[26] The timelessness of this image contrasts sharply with the momentous changes that transformed the ancient world into a medieval one.

Secondly, how widespread was slavery in late antiquity? A *concentration* of slave-labour in mass-producing workshops based on an intensive rationalisation of labour-processes had sustained massive exports of Italian fine wares down to the Augustan age.[27] This was a type of Roman industrial slavery with striking resemblance to more recent forms of work-organisation (repetitive work-cycles, job-simplification and tight control over labour). With the rapid expansion of rural estates ('villas') following the bloody civil wars of the early-first century BC, an agrarian version of this 'slave-mode of production' came to underwrite Italy's domination of related Mediterranean markets for wine and olive-oil.[28] It would make more sense to call these economic régimes 'slave-capitalism', following Max Weber and Otto Hintze,[29] than anything as vague as a 'slave-mode of production', since it is far from obvious that there is a commonly-agreed definition of the latter. In any case, this régime had more-or-less ended by the second century, whereas slavery continued and was even widespread in late antiquity. Wickham discounts its significance, however, because for him the 'numerous slaves of the late Empire or the period following it… were [not] for the most part anything other than tenants'.[30] This, I shall argue, vastly simplifies the actual transition from Roman to medieval relations of production ('slavery to serfdom' in the conventional metanarrative), which it would be more accurate to describe as involving a *mutation* of slavery than its outright supersession.

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26. Wickham 2005, p. 535; my emphasis.
27. Morel 1990, pp. 404ff.
28. Rathbone 1977; Giardina 2004, p. 233ff.
29. For example, Hintze 1975, p. 434, argued that Max Weber has demonstrated 'how the unlimited economic exploitation of slave labour on plantations and in mines corresponded to the merciless political oppression of conquered peoples. Victory in the wars of the Greek city-states and the Roman Republic regularly led to a plundering of men and land, thus giving *slave capitalism* constant new nourishment…'.
30. Wickham 1988, p. 188.

A third issue relates to our characterisation of the rural labour-force in the post-Roman West. Wickham wants to see the early middle ages as a low-point in the general curve of aristocratic dominance. Whether that translates into reduced domination of the peasantry in the earliest middle ages, as he wants to argue,[31] is less certain. Surely this will depend on how we characterise the labour-force at the base of the rural economy in the post-Roman world and whether we see the slaves and freedpeople provided with plots of land as *workers*, as Rosamond Faith has argued,[32] convincingly in my view, or as *peasants*, as Wickham would want. One of Wickham's most insistent leitmotifs is the triumph of the realities of tenure over legal distinctions.[33] The point can be accepted, but it certainly does not rule out other models of greater *complexity*, such as Faith has constructed for the 'inland' labour-organisation of Anglo-Saxon England.

Finally, and, for Marxists, most fundamentally, is the schema of 'modes of production' helpful in characterising the major transformations of the period Wickham deals with? If so, how would we have to formulate the transition, given that serfdom did not replace slavery in any obvious way? And does Wickham's own handling of historical-materialist concepts such as 'mode of production' help or hinder a materialist analysis of this? In what follows, I shall suggest that the legacies of the Roman world and of late antiquity were more subtle than any straightforward debate about continuity makes them out to be, and that key among these were i) the *pervasive influence of Roman law* in defining the condition of the medieval peasantry,[34] and ii) the tradition of *direct management* which the Merovingian aristocracy, in particular, inherited from their late-Roman counterparts. On the other hand, the aristocracy itself and the organisation of estates show major changes that mark a break with antiquity. The *relations of production* of the early middle ages were thus shaped by a complex set of influences that owe as much to subliminal legacies (law, management-traditions) as to the 'will' of the Frankish sovereign and his magnates in developing a new kind of rural enterprise.[35]

The reshaping of relations of production

What the post-Roman world inherited from the massive legal edifice of the late-Roman state was a legacy of *oppression*. In other words, central to any

31. For example, Wickham 2005, p. 570.
32. Faith 1997, p. 69.
33. Wickham 2005, p. 563.
34. This argument has been most forcefully developed by Wulf Eckart Voß in a much-neglected paper cited below.
35. '"Will" of the Frankish sovereign' from Devroey 2001, p. 120.

characterisation of the form of Roman society that emerged in the fourth century must be the increasingly repressive legislation of the late Empire, which eroded the rights of farm-workers in particular. In the words of Moses Finley, 'there was a gradual erosion in the capacity of the lower classes to resist working for the benefit of others under conditions of less than full "freedom of contract" '.[36] It is this that explains the paradox of why, despite the disintegration of the western Empire and the dissolution of its aristocracy, there was no visible change in the economic position of most or many rural inhabitants. Indeed, the post-Roman labour-force was, in one respect at least, *worse off*, in the sense that the sharp division between 'slave' and 'free' that was intrinsic to classical law was progressively abandoned, in practice anyway, as a uniformly servile tenantry evolved by the early part of the sixth century. This, I suggest, is why we need to take the colonate more seriously than Wickham does. It is next to impossible to account for the transition from the relatively open labour-markets of the third century[37] to the mixed-servile labour-forces of the sixth and seventh centuries and later, without the decisive historical mediation of the colonate.[38] The key-assumption behind the system was that resident workers were part of the 'capital assets of the estate on which they lived and worked',[39] hence part of the estate's tax-liability. A rapid turnover of labour would undermine the stability of the system, and to ensure such stability both government and landowners concurred in *tying* workers to estates. The lawyers who drafted the legislation of the late Empire rationalised this peculiar subordination of free labour with the legal fiction that tied labourers [*coloni*] were 'slaves of the land to which they were born',[40] in other words, attached to estates and not landowners, but, of course, in practice the colonate simply reinforced the power of employers over labour. That it did so explains why, in the Roman-controlled parts of the Mediterranean, this agrarian system survived down to the end of the sixth century,[41] if not later, and certainly long after its fiscal origins and function had been forgotten.

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36. Ibid.

37. Rathbone 1991; Banaji 1997.

38. Compare Davies 1996, p. 234, 'Tying the agricultural labour force to the land is one of the keys to the establishment of the condition of the later medieval peasantry'.

39. Rosamond Faith's expression in *The English Peasantry and the Growth of Lordship*, Faith 1997, p. 84.

40. *CJ* xi.52.1 (392–5), '*servi terrae ipsius cui nati sunt aestimentur*', after (and despite!) the qualification that *coloni* were, legally, free-born persons (cf. Krueger (ed.) 1929).

41. For example, Gregory, *Ep*. 4.21 (594), which even refers to a '*ius colonarium*'! (cf. Gregory the Great 1891–9).

The legacy of the colonate

Wickham's handling of the colonate is the least satisfying part of his superb book. The successor-states inherited a labour-force that included large numbers of former *coloni*, many of whom were or were still *regarded* as unfree workers/tenants. Did these groups fare differently in the different kingdoms or did they share an essentially similar fate? And if they did, what fate was that? In other words, what difference did the dissolution of Roman power make to the condition of these workers or peasants? There are scarcely any references to 'the' colonate in a post-Roman context, and it seems likely that the system had disintegrated in its classic late-Roman form.[42] But what became of the *coloni* themselves? Some historians argue that the distinction between the main groups of the labour-force simply disappeared, as late-Roman *coloni* were absorbed *en masse* into a more-or-less undifferentiated post-Roman servile class and, from now on, treated no differently from slaves.[43] For example, Finley asked, 'Were the *servi* of the Germanic codes all chattel slaves? The Visigothic laws, for example, ignore *coloni*, yet we know that they certainly existed, and were important in the Visigothic kingdom'.[44] This is not a position Wickham would want to identify with, in part because he thinks that legal, hence also servile status, mattered less and less as one moved into the middle ages, and partly because he sees the independent peasantry expanding as the western Empire disintegrated. It is possible that there is room for *both* positions, depending on how things played out in the post-Roman West, but it would certainly have helped to have started with a clear conception of what the *colonatus* itself was, something Wickham does not do, both because he is (I think unduly) sceptical about the value of legal sources and because of his at least tacit support for Jean-Michel Carrié's own iconoclasm on this subject.

To take just two examples from the legal evidence, one late-fourth-century constitution confers on estate-owners the authority to control their workers 'with the care of patrons and the *power of masters*'.[45] The 'power of masters' was, of course, the power masters exercised over slaves. Another, earlier one, stipulates that workers [*coloni*] who run away from estates should be dragged back in chains.[46] On any straightforward reading of this sort of evidence most historians would conclude, and many still do, that government massively reinforced the power of large landowners over rural workers and did so in sweeping ways. But the point is one Wickham is (for a Marxist, curiously!)

42. So too Bloch 1963b, p. 232; De Martino 1986, p. 37.
43. King 1972, pp. 160–1; Nehlsen 1972, p. 167; Cortázar 1988, p. 11.
44. Finley 1980, p. 124.
45. *CJ* xi.52.1 (392–5) (cf. Krueger (ed.) 1929).
46. *CTh* 5.17.1 (332) (cf. Mommsen and Krueger (eds.) 1905).

unwilling to concede. The reasoning seems to be something like this: the *coloni* were not serfs but tenants. If coercion was applied to them, this was largely from the standpoint of the state and its need to ensure the regular payment of taxes, hence stable labour-forces. How far government succeeded in tying down these workforces must have varied enormously in practice. The laws may not have been effective. In any case, the colonate had more to do with the technicalities of taxation than the realities of exploitation and control of labour.

By way of a response, let us begin with the first proposition, about *coloni* not being serfs. In some influential work from the 1980, Carrié mounted a strong attack on the back-projection of feudal characteristics onto the late-Roman period – not just 'serfdom', but labour-services and manors as well. None of these were handed down to the middle ages from late Rome, especially not serfdom. A medieval reading of late-Roman institutions is profoundly misleading. This part of Carrié's critique is, of course, unproblematic and few historians would disagree with it today. It stems, in fact, from the positions of Marc Bloch, except that Bloch saw things in the reverse perspective. He had denounced the assimilation of the serf to the *colonus* as a contrived anachronism, tracing its roots to the late-thirteenth/early-fourteenth century when it emerged under the influence of the kind of legal erudition that had led the way in the reception of Roman law in Europe.[47] *But the colonate itself raised no issues for Bloch*; it was, as the law-codes said it was, an institution that tied the peasantry to the soil and even invented a special vocabulary to express that. Indeed, in the chapter Bloch wrote for the *Cambridge Economic History of Europe*, he took the *colonatus* sufficiently seriously to call it 'the fundamental institution of the late Empire'![48] Carrié's argument moves in a very different direction. He suggests that the conventional view of the colonate as a coercive labour-system lacks *any* foundation in the sources, in other words, that it stems solely from the false assimilation that Bloch was the first to expose. A careful reading of the Roman legal sources shows that considerations of fiscality were the only ones paramount in the late-Roman discussion about *coloni*. There was no institution like 'the' colonate, if by that we mean that the legislation of the late Empire created a *special* status between slavery and freedom and imposed this on a large, if indeterminate part, of the rural population. The Roman law of persons recognised only two categories, free and slave, and that division remained axiomatic even later. It was never breached by the creation of a third category such as 'half-free'. True, the

47. See Bloch 1921, republished in Bloch 1963a, pp. 356–73.
48. Bloch 1963b, p. 229.

legislation of the fourth and fifth centuries refers repeatedly to servitude, comparing the tied tenantry [*coloni*] to slaves [*servi, mancipia*], calling them 'slaves of the land', and prescribing slave-like treatment for those who fled their estates, but Carrié suggests that these references were *purely metaphorical*,[49] and that the laws themselves had no intrinsic connection with labour or with labour-regulation, only with the registration of tax-payers on the tax-rolls. If rural workers ended up being 'tied' to estates, this was part of a wider fiscal subjection that affected all sorts of groups and tied all of them equally to their places of origin or professions. The *adscripticii* whom the Emperor Justinian could not help comparing to slaves[50] were never actually reduced to a state of 'semi-slavery',[51] at least not in the fourth and fifth centuries (or so Carrié argues more recently),[52] since no such condition could exist in Roman law.

Now, the view that the laws on the colonate had 'largely fiscal aims' is scarcely controversial. A.H.M. Jones argued for it convincingly back in the 1950s, suggesting that it was 'primarily a fiscal measure'[53] *when it was first introduced*. Jones made it plain that he was referring to the *origin* of the measure that first led to the tying of labour to the land, and not characterising the institution as it worked, collusively no doubt, over some two or three centuries. Thus, he repeatedly emphasised the considerable stake that substantial landowners had in the working of the colonate. 'If the tying of the agricultural population was in origin a measure dictated by public policy, it proved a great boon to landlords'.[54] '*It was at the demand of landlords that the system was maintained and extended*'.[55] And, of course, the system itself had drastic implications for the position of a large part of the labour-force. Between this view, which has no problem with a fiscal origin for the colonate but attaches equal importance to its actual historical function (for example, Bloch's description of it as 'class legislation')[56] and Carrié's *lecture iconoclaste*, Wickham, as I said, inclines to the latter. Thus he refers to the laws on *coloni* as a set of 'laws about free taxpayers',[57] undeterred by the nebulousness of this conception. And he prefers to think that, even as a set of legal arrangements, the laws about it may have had little practical significance, that is, in the way things worked on the ground. Law is a dimension of reality, not a picture of it, and there is

49. Carrié 1983, pp. 207, 220, 224.
50. *CJ* xi.48.21.1 (530) (cf. Krueger (ed.) 1929); compare Ste Croix 1983, p. 252.
51. Carrié 1983, p. 213.
52. Carrié 1997, p. 124.
53. Jones 1958, p. 4; Jones 1974, p. 298.
54. Jones 1958, p. 5; Jones 1974, p. 299.
55. Jones 1964, p. 817; emphasis mine.
56. Bloch 1963b, p. 230.
57. Wickham 2005, p. 526.

no reason to suppose either that people were fully aware of what the laws actually were (Augustine's hesitations about the way landowners treated their labourers is a good example)[58] or even that they were ever widely enforced.

Wickham does not deny that the laws prescribed the tying of labour to the land. Indeed, both he and Carrié seem to think that the whole rural population was tied in this way, including the free peasants, something for which there is, in fact, much less evidence, as Jones realised. But given that the *tying* of labour is not denied, at least as legal intent, there are two debates here: first, *did* the laws make any material difference to the position (status, civil rights, etc.) of the free working population? Did they entail a worsening of status for those sections, a *Statusverschlechterung*, as the German legal historians call it? And, second, were the late-Roman *coloni* simply tenants in Wickham's sense, that is, rent-paying peasants in control of their own labour-process? (At times, Wickham seems to identify the colonate with tenancy per se: for example, he refers to 'the sea of the "colonate"',[59] meaning simply the prevalence of rent-paying tenancies.)

It is abundantly clear that the laws treat tied labourers (workers described by Pope Gregory as *ex condicione ligati*, 'bound by their legal position')[60] as not fully in control of their own lives. Not only were they attached to estates by law, but when they fled and worked elsewhere as sharecroppers or wage-labourers, they were regarded as behaving *quasi sui arbitrii ac liberi*, 'as if they can make their own decisions and are free'.[61] The least this implies is that as *coloni*, workers bound to estates, they were *not* so regarded. Again, it was commonplace to describe such workers as being 'owned' by their employers or in their possession.[62] Although not formally incorporated into the law of persons, there is no doubt that the legal traditions of late antiquity did eventually acknowledge diminished degrees of freedom broadly approximating an intermediate status like 'half-free'. References like 'a kind of servitude'[63] were not metaphors, but attempts to reconcile a new social reality with the unyielding framework of classical law.[64] This is strikingly obvious in the

58. Augustine, *Ep*. 24*.1, where he asks a lawyer-friend whether landowners could simply transform their *coloni* and *coloni*'s children into slaves (cf. Lancel 1987).

59. Wickham 2005, p. 272.

60. Gregory, *Ep*. 9.129 (599) (cf. Gregory the Great 1891–99).

61. *CJ* xi.48.8.1 (cf. Krueger (ed.) 1929).

62. For example, *Nov. Val.* xxvii.6 (449) (cf. Mommsen (ed.) 1905); *CJ* i.3.36 *praef.* (484) (cf. Krueger (ed.) 1929); *Nov. Just*. 156 *pr*.; 157.1 (542) (cf. Schoell and Kroll 1928); *Nov. Tib.* xii.2 (578–82) (cf. Schoell and Kroll 1928).

63. *CJ* xi.1.2.*pr.* (396) (cf. Krueger (ed.) 1929).

64. So too Lepelley 1983, p. 335, who refers to 'une inadaptation des catégories classiques à cette réalité nouvelle'.

legislation on 'mixed' marriages. These were marriages between persons of different class-backgrounds and the late-Roman laws about them (about which unions were 'valid' and which were not, and what consequences that had for the legal status or *condicio* of spouses and children) were *destined to have a profound influence on the conditions of the peasantry in medieval Europe*, indeed down to the final abolition of serfdom in the eighteenth and nineteenth centuries. For the 'general rule', the transmission of status through the mother, cf. *Codex Theodosianus* 14.7.1 (397), 'When the marriage is between persons of unequal status [*ubi non est aequale coniugium*], the children shall follow the mother [*matrem sequatur agnatio*]'. In other words, estate-owners had automatic rights of control over the progeny of female labourers even if their husbands were free persons. But what if male workers [*coloni*] married women who were free? According to the general rule, the children born of these unions were technically free, and landowners stood to lose a younger labour-force if they could not have the law amended to stop such individuals from pursuing their freedom, that is, migrating from estates that would otherwise hold them down as tied labourers. Hence *repeated* complaints, in the sixth century, that Justinian's legislation was depleting estates of their workers, and the conundrum Justinian himself faced in trying to reconcile established legal principles with the labour-needs of the aristocracy. (Interestingly, the key-references here are to landowners in Africa and the Balkans.)[65] All of this has been discussed in detail in a very substantial paper by Wulf Eckart Voß which Wickham, inexplicably, ignores.[66] The general point to make here is that the *post-Roman West was strongly influenced by these late-Roman legal traditions*, and that they came to form a decisive link between late antiquity and the middle ages.[67]

Were the *coloni* simply 'tenants'? That the supply of *labour* was seen as their chief social function is clear from the legal evidence: for example, *Codex Iustinianus* xi.53.1 (371) about landowners who take in fugitive *coloni* having to compensate previous owners for the loss in labour-power or services [*in redhibitione operarum et damni, quod locis quae deseruerant factum est*]; *Codex Theodosianus* 5.6.3 (409), assignment of Sciri captives as a tied but non-servile labour-force: '*opera autem eorum terrarum domini libera [utantur]…*'; *Codex Iustinianus* i.12.6.9 (466), which refers to *obsequia*, 'services'.[68] In fact, the only explicit definition of terminology that we have comes from the sixth

65. See Jones 1958, p. 10; Jones 1974, pp. 305–6; Voß 1985, pp. 160ff.
66. Voß 1985.
67. See Voß 1985, pp. 166ff.
68. Cf. Glare 1968–82, p. 1221, s.v. 'obsequium', 2.

century, when Justinian tells us in so many words that the term *colonus* refers to 'those who live on estates and work as rural labourers'.[69]

To sum up, even if 'imperial laws were concerned with tax-paying, not labour relations', as Wickham claims,[70] there is certainly enough evidence, both in the legal sources and elsewhere, to suggest that late-antique large estates depended on a *tied* labour-force. Certainly, serfdom was not a replication, much less a survival of the colonate, but it does not follow that the *colonatus* was not itself a form of bondage. What distinguished late-Roman forms of bondage from their medieval counterparts was that they, crucially, were buttressed and mediated by the state. We can, in this sense, speak of the *construction* of the colonate as opposed to its organic or spontaneous evolution. Marxists can surely generate more *specificity* than Geoffrey de Ste Croix managed to do by defining the colonate as a form of exploitation of labour *built on the legal fiction that the worker [colonus] was attached to the estate and not the landowner*.[71] This was, obviously, a fiction since no-one can, literally, be the slave of an object. Even though this restricted the flexibility of owners in the sense that they could not transfer labour between enterprises or sell land without the workforce,[72] in practice everyone understood that tying workers to the soil meant attaching them to their employers. For example, *Codex Iustinianus* xi.51.1 (386) states straightforwardly that rural workers in the provinces of Palestine be bound to their landlords [*domino fundi teneatur*]. When even that restriction (workers tied to estates and not landowners) was abolished, as it was under Theoderic, the ground was cleared for a model of bondage closer to *servage*.[73]

Slavery and the post-Roman labour-force

Wickham works, indeed has always worked, with a stark opposition between the slave-*mode* and tenant-labour, ignoring the intermediate agrarian organisations that are more likely to have characterised the general ('epochal') transition from slavery to serfdom.

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69. *Nov. Just.* 162.2 (539) (cf. Schoell and Kroll 1928), cited in Banaji 2007, p. 182.
70. Wickham 2005, p. 526.
71. Bloch 1963b, p. 229, 'But a sturdy fiction made him slave of a thing . . .'. Ste Croix simply *equated* the colonate with serfdom, rejecting what he described as the 'groundless connection between serfdom and "feudalism" '; also Ste Croix 1983, p. 162, '[W]e must not take the use of the words "serf" and "serfdom" to imply any necessary connection with feudalism, even if we regard feudalism as necessarily involving forms of serfdom'. The irony here is that this completely explodes what Susan Reynolds calls 'Marxist feudalism', a model which, by the way, she is sympathetic to! See Reynolds 1994.
72. *CTh* 13.10.3 (357) (cf. Mommsen and Krueger (eds.) 1905).
73. Cf. Bloch 1965, p. 257, citing *LRV* 5.10.1 on *coloni* being returned to their masters.

> What makes the slave mode special… is the systematic subjection of slaves to the control of their masters in the process of production and reproduction; put them on a family plot as a *servus quasi colonus*… and they organize their own farming practices and family structures.… The combination between a greater autonomy for what can now be called peasants… and the end of effective intervention by landlords in the procedures of production, transform[s] the whole logic of the economic system, or, as Marx called it, the mode of production.[74]

He adds, 'When the Romans abandoned the slave mode, they went *straight over* to rent-paying tenants'.[75] But Bloch was surely more correct in viewing the slave's holding as a form of salary and slave-tenancies as *labour-tenancies*. In his famous essay 'How and Why Ancient Slavery Came to an End', he suggested that estates needed reserves of labour-power, and that the land granted to slaves 'was like their salary'.[76]

The most incisive formulation of the distinction implied here comes in Rosamond Faith's account of the labour-organisation of the 'inland' in Anglo-Saxon England. She argues that freed slaves were more like workers and serfs more like peasants. Because of its importance, the passage is worth quoting in full:

> It was probably common to provide slaves and freed people with small plots of land when they were housed.… This process, for which French provides the useful term *alotissement*, has often been seen as the main agent which transformed the slavery of the ancient world into the serfdom of the medieval. However, it is important to make some distinctions here. The housing of slaves brought into being a class of smallholders who were completely dependent on, and tied to, the inland.… But the category of peasants who came to be called serfs in post-Conquest England mostly came into being by quite a different route. *The essential distinction is between worker and peasant.* The freed slave was a worker who in return for selling his labour as a commodity received a 'wage in land' from the lord, who was his employer and sole purchaser of that labour. The lord, in his capacity as employer, was essential to him. By contrast, the serf was a peasant with a holding, which, however small, supported him and his family and provided a surplus which was transferred to the lord in rent paid in cash, kind or labour (or in all these). This transfer of the serf's surplus was only made possible because the lord had control of the land: the lord was not as economically essential to his existence as he was to that of the slave.[77]

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74. Wickham 1988, p. 187.
75. Wickham 1984, p. 31.
76. Bloch 1975, pp. 5–6.
77. Faith 1997, pp. 69–70; italics mine. Postan 1954 is the classic essay on the transition from demesne slave to manorial labourer, and makes the more general point that, 'At all times in the history of agriculture in Western Europe and elsewhere "tied cottages" or smallholdings attached to labourers' dwellings have been similarly used by landlords and farmers as a safeguard

In short, 'slavery did not simply fade away but had a longer life than was previously supposed.... Nor was serfdom, at least the serfdom of the tenth century its natural successor'.[78] There was a more complex set of relationships between slavery and serfdom than a simple 'transition', if, by this, we mean that one was simply substituted for the other. Even less credible is the model of a dramatic and *compacted* transition between them such as that posited by Bonnassie[79] and Bois[80] for parts of Europe around the 'year 1000'. Wickham, of course, does not subscribe either to a linear transition (the famous metanarrative of vulgar Marxism) or to a compacted one. His favourite image is the conversion of slaves into self-managing peasants, which is really equivalent to the thesis that Roman landowners *abandoned direct management*. Thus, in *Framing*, he endorses the very substantial position that 'Most *servi/mancipia* in our period... were tenants who *controlled their own holding* and could keep its fruits after rents were paid'.[81] This is highly unlikely. *Mancipia* included former *coloni*, bound tenants, and *servi* were still slaves in Francia, Visigothic Spain, etc., and it is doubtful if these groups in particular were ever thought to 'control their own holdings', whatever other groups may actually have done so. A substantial part of the rural labour-force of the sixth to eighth, or even ninth, centuries comprised groups who, like Faith's inland-workers or worker-tenants,[82] were *more proletarian than peasant-like*, and often unmarried. In the Middle-Rhine region studied by Franz Staab, these groups were still called *mancipia* in the eighth century, this in contrast to the *servi* who, like Wickham's self-managing tenants or Faith's serfs, were a better model of the peasantry, that is, autonomous even if subaltern.[83] Staab suggests that this 'special sense of *servus* already goes back to the Merovingian period',[84] but terminology evolved in different ways in different parts of Europe. The Domesday *servus* was a slave;[85] so too in Catalonia, where the 'lawyers never used the word *servus* except to deny that attached peasants were *servi*, a word used only for slaves'.[86] Finally, in Italy, the word used to describe slaves who

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against the shortage or "turnover" of agricultural labour' (p. 26). For examples of this kind of worker, see Bloch 1965, p. 269 (on the German *Tageschalken*) and Faith 1997, pp. 209–10 (on the cottars).

78. Faith 1997, p. 60.

79. For example, Davies 1996, p. 230.

80. See Verhulst 1991, pp. 195ff.

81. Wickham 2005, p. 560. Cf. Wickham 1984, p. 9, 'those slaves had been turned into tenants, *and thus controlled the land and their own work process*'; my italics.

82. Faith 1997, p. 60.

83. Staab 1975, pp. 332, 342ff.

84. Staab 1975, p. 342.

85. Maitland 1960, p. 52.

86. Freedman 1986, p. 296.

'had no habitation in which to lead a separate family life but who were lodged in outhouses in the courtyard'[87] was *praebendarii*, from *praebere*, 'to provide', which underscores their dependence on the doles provided by the employer.

Thus, Wickham's reiterated thesis of the 'general dominance of tenant-production' throughout the period that he covers is too much of an abstraction to give us any sense of the subtle ways in which relations of production changed.[88] Slavery was widespread in late antiquity and continued to be so in the kingdoms that followed the Empire. What we have to try and reconstruct are the estate-structures that used the labour of both slaves and *coloni* in a legal and economic context where the differences between those groups became increasingly irrelevant. Wickham does not confront the issue of late-antique/early-medieval slavery in any serious way beyond the formal acknowledgement that it survived as a legal condition. The implied conclusion is that the survival of slavery in this more abstract sense had no implications for the way landowners *used* labour or *organised* production. It is hard to believe that, when the Spanish Church fought to retain control over manumitted slaves (*mancipia* who had been freed by a previous bishop, for example), it was seeking to retain control of tenants who, on manumission, were likely to migrate elsewhere! Why would tenants in control of their own holdings and work-process wish to leave in the first place? A closer reading of the conciliar legislation shows that what these *mancipia* or *servi* owed the Church, before and after manumission, were *obsequia*, that is, 'services', in other words, their labour-power.[89] Toledo IV, *can*. 73 (633) is especially revealing because it shows that lay landowners used the same mechanisms to retain control over the labour of freed people. The Council ruled that slaves who were freed by masters who chose not to retain control of their services [*obsequium*] were free to become clerics, but those who were still bound to employment [*servitude obnoxii*] even after manumission because employers chose to 'retain control of their services' could not be admitted.[90] Throughout the sixth century, in fact, the term *mancipium* was progressively extended to include former *coloni*.[91] One upshot of this was that the word lost its strictly classical meaning

87. Duby 1968, p. 38.

88. Wickham 2005, p. 286.

89. Vives 1963, pp. 127, 151, 214ff., 303, 339–40.

90. Vives 1963, p. 216.

91. *Lex Burgundionum* 54 (501–16), about the seizure of *mancipia* and lands in the Burgundian kingdom of Gaul; cf. Goffart 1980, pp. 127ff., translating *mancipia* by 'bondsmen' and arguing, correctly in my view, that they 'can hardly be thought not to have numbered a sizable proportion of *coloni*' (p. 136); *Ed. Theod*. 142 (cf. Bluhme (ed.) 1875), which refers to *rustica utriusque sexus mancipia, etiamsi originaria sint*, proof that the term covered *coloni* as well, cf. Nehlsen 1972, pp. 125ff.; *Test. Aredii*, in Pardessus 1969, pp. 136ff. at 139, *mancipia quae*

(chattel-slave; in fact, the most reified expression for a slave) to function as a *generic* description for a labour-force characterised by looser forms of bondage. That the *mancipia* are consistently associated with *domus* (houses or dwellings) in the seventh-century Merovingian charters[92] suggests that this increasingly undifferentiated labour-force was provided with allotments which, as Faith remarks, 'were of a size *well calculated to prevent them becoming self-sufficient*'.[93] In the will of Aridius (late-sixth century) these allotments are called *peculiaria* (from *pecūlium*, the assets managed by a slave) and what is interesting is that these small plots of land cannot be sold or gifted away by their occupants.[94]

Thus, the labour-force of the early middle ages is probably best characterised in the expression Faith uses for the late Anglo-Saxon inland, viz., a mixed-servile labour-force.[95] Wickham exaggerates the degree of control that peasants had, either in the Roman countryside or in the early middle ages. To equate the colonate with tenancy[96] when we know that, for Wickham, 'an agrarian system based on tenancy is also one whose basic productive processes are under peasant, not landlord, control'[97] is to leave the reader with a strangely anodyne picture of the late-Roman world. Who would dream of proposing a similar argument for the Anglo-Saxon *gebur* or the Castilian *collazos*, both close medieval counterparts of the late-Roman *coloni*, even if not actually descended from them?[98] Again, to describe the Visigothic *servi* as 'unfree tenants'[99] elides the strictly Roman, classical-law meaning that *servus* retained in the barbarian

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colonaria appellantur, 'the *mancipia* who are called *coloni*', from the will of Aridius of Limoges, dated 572 or 591.

92. For example, Weidemann 1986; Pardessus 1969, No. 241; Busson and Ledru 1901, pp. 158ff.; *Chart. Lat. Ant. xiii–xiv*, passim.

93. Faith 1997, p. 70.

94. Pardessus 1969, p. 138, which states that the *mancipia* just listed should be free to enjoy possession of their *peculiaria* 'on condition that they do not presume to sell or alienate them [*ea vero conditione ut nec vendere nec alienare praesumant*]'.

95. Faith 1997, p. 252.

96. Wickham 2005, p. 272.

97. Wickham 2005, p. 264.

98. Faith 1997, pp. 76–84, especially pp. 80–1, on the *gebur*; Guglielmi 1967, especially pp. 100ff. on the *collazos*. Aston 1958 (reprinted with a 'Postscript' in Aston, Coss, Dyer and Thirsk (eds.) 1983) took Ine 67 ('If a man takes a yard of land or more, at a fixed rent, and ploughs it, [and] if the lord requires service as well as rent, he [the tenant] need not take the land if the lord does not give him a dwelling…' (Attenborough 1922, p. 59)) as evidence for the existence of the manorial system in seventh-century Wessex. By contrast, Faith considers it 'vital and early evidence of the status of the inland population'. 'The peasant with a yardland who is housed and tied to the estate corresponds in several respects to the *gebur*' (Faith 1997, p. 76). The *geburs* were semi-free or bound tenants who formed part of the estate's labour-force. Interestingly, Anglo-Saxon legal works took them to be their nearest equivalent of the late-Roman *colonus*; this was a *re*creation of forms, since no actual ancestry was implied here.

99. Wickham 2005, pp. 231 and 526–7, n. 17.

law-codes with the more purely medieval sense which the word acquired only later, in the eighth century.[100] Post-classical slavery was not a purely legal determination. *Leges Visigothorum* ix.2.9 refers to estates being cultivated by *servorum multitudines* ('masses of *servi*'), an odd expression if all these *servi* was a scatter of autonomous tenancies.[101] It is much more likely that the *servi* were 'simple farm-labourers on a home farm', as P.D. King suggested,[102] Visigothic equivalents of Faith's 'farm servants huddled on the inland'. Under the Ostrogoths, the Italian (*coloni*) *originarii* were reclassified as *mancipia*, and their masters were now free to transfer them between estates,[103] again suggesting that if these were simply peasant-families, they certainly had little control over their working lives. Of course, it does not follow that the typical post-Roman large estate was organised in terms of gang-slavery, as Anderson supposes.[104] What it does imply is that the post-Roman élites in Francia and Spain inherited a tradition of direct management of the land which they saw no compelling reason to abandon. This, arguably, was Rome's most substantial economic legacy, next to the vibrant monetary economy that the Umayyads inherited in the eastern provinces.

The legacy of direct management

The *direct management* of the early middle ages[105] was certainly a Roman legacy.[106] The contrary view, viz. that Roman landowners gave up direct management when they abandoned the slave-mode (Wickham himself and, for example, Pasquali),[107] stems chiefly from Domenico Vera, but it is crucial to note that Vera's reconstructions lack any *documentary*-base even vaguely comparable to the papyrological archives, Merovingian charters or Carolingian inventories. (Reconstructing estate-management from a collection of letters, even those of an aristocrat, is a bit like trying to grasp the structure of the labour-process in a large manufacturing-firm from the correspondence of its shareholders.)

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100. For example, Goetz 1993, p. 35.
101. Zeumer 1902, p. 374.
102. King 1972, p. 169.
103. Nehlsen 1972, pp. 125ff.
104. Anderson 1974, p. 110.
105. Duby 1973, pp. 50, 100.
106. Cf. Modzelewski's repeated insistence on this; the extinction of the Roman aristocracy did *not* entail the dissolution of its estates, Modzelewski 1978, p. 41; also pp. 42–3, 50.
107. Pasquali 2002, p. 10, 'Quasi del tutto assente sarebbe la gestione diretta, in vario modo esercitata (con schiavi, con manodopera salariato, con lavoro coatto)'; and this about the organisation of estates in late antiquity!

Having said this, it is, of course, equally clear that the stereotype of slave-run *latifundia* being turned into serf-worked estates[108] is no longer credible. As the preceding pages suggest, and much of Wickham's own argument shows, the 'transition' was obviously much less straightforward. *The continuity in traditions of direct management did not imply a continuity of estate-structures*. The manor was a Frankish innovation, as were labour-services.[109] Yet, the serfdom of the central middle ages was shaped by and evolved out of the 'long continuities' that were bound up with late-Roman traditions of labour-management[110] – the drive to create a tied labour-force, the increasing stigmatisation of those workers, the peculiarly repressive laws regulating 'valid' marriages and the transmission of status, the more-or-less rapid emergence of a servile labour-force where workers who were technically free (under Roman law) were simply reclassified as *servi/mancipia*, something close to slaves, in the barbarian law-codes. *All* of this flowed, with other, later developments (the expansion of peasant-tenures which began in the seventh century, the evolution of labour-services in the eighth, as well as the huge political changes of the tenth and eleventh centuries) into creating the *historically specific* kind of servitude known as 'serfdom'. Equally important here was the retrieval of Roman law in the twelfth century and the rôle it played in constructing, 'encouraging the definition of', serfdom, both ideologically and legally,[111] one product of which was the late-Roman *colonus* as an abstract prototype of the medieval serf. (This 'autonomous' history of law is a superb example of what Marx described, with a sense of wonder, as the problem, the 'really difficult point', of 'how relations of production develop unevenly as legal relations'.)[112]

None of this suggests that serfdom 'descended' from the colonate,[113] and acknowledging these manifold and converging trajectories is *not* equivalent to writing a linear history. Given this framework, of the subtle interplay of subliminal legacies, long continuities, historical innovation and political rupture, it should be possible to go back to strands of a less complex continuist history, such as that written by Pirenne for the 'Merovingian epoch', and

108. Notably Hilton 1976, p. 113, 'the Roman nobility have been undergoing the process of transformation into feudal nobles since the third century. Their slave-run latifundia have been turned into serf-worked estates…'; about aristocrats in Italy and parts of Gaul.

109. Cf. the seminal Verhulst 1966, Rouche 1990, Rösener 1989, and Andreolli and Montanari 1983.

110. I am indebted to Davies 1996, p. 238, for this expression.

111. Freedman 1991 and 1986.

112. Marx 1973, p. 109.

113. Cf. Shaw 1998, p. 40, stating that most recent scholarship is 'even more dismissive than he [Finley] was of any continuity between the "tied *coloni*" of the later Roman empire and the "serfs" of western European feudal labour regimes'.

weave those strands into a history that is more densely textured *à la* Wickham. Pirenne saw the survival of the large estate as a decisive link between the post-Roman world and the middle ages proper. 'Thanks to the domain, *the economic basis of the feudal system already existed*'.[114] Here, Pirenne identifies the element of continuity with the survival of Roman traditions of estate-management, suggesting that they formed the 'basis' of the system that emerged later. Now, in the period covered by Wickham's study (400–800), most aristocratic estates were organised on three basic models – *villae*, *massae*, and manors. (The East had its own forms and is not considered here.) Of these, the manor was a specifically medieval creation, so that Roman traditions of direct management were chiefly embodied in the types called *villae* and *massae*. *Massae* were substantial blocks of land, 'consolidated estates'[115] that were usually leased to *conductores*, who are best described as 'entrepreneur[s] engaged in short-term financial speculation who assumed the management of the estate' for the period of the lease,[116] and whose ranks might include members of the aristocracy.[117] They were more dominant in southern Italy and the islands than anywhere else. A late-fifth-century *massa* that we know about contained the standard 'mixed-servile labour-force' that I have argued was typical of the post-Roman West, in this case, *inquilini* (here, simply another name for *coloni*) and *servi*.[118]

The *villae* were the crucial transmission-belts of agrarian continuity. The substantial Merovingian estates of the seventh century were called *villae* because they were built on essentially Roman traditions of landholding and management. Bishop Bertram of Le Mans owned over 74 '*villae*', approximately 57 of these in undivided ownership.[119] From the general description of their features it is clear that these were physically *compact* or integrated estates, not dispersed properties interspersed with the estates of others; for example, the expression *cum termino suo* occurs repeatedly, referring to the outer boundaries of the *villa*. As consolidated spaces, *villae* were susceptible to division

114. Pirenne 1968, p. 79; italics mine.

115. Finley 1975, p. 112.

116. Taken from Snowden 1986, p. 14, describing the *massaro* of early-twentieth century Apulia.

117. The *clarissimus* John was willing to pay 10,000 *solidi* to lease Crown estates [*praedia*] in Apulia in the 520s, Cassiodorus, *Var*., 5.6 in Mommsen (ed.) 1894, p. 147.

118. *P.Ital*. 10–11, iv.1 (p. 292) (489). For *inquilinatus* = *colonatus*, cf. Sidonius Apollinaris, *Ep*., 5. 19 (Loyen (ed.) 1960–70, t.2, p. 207). The *inquilinus* was otherwise a labour-tenant, cf. Krause 1987, p. 272, and viewed as a kind of wage-labourer, Paulinus, *Ep*. 24.3 (cf. Hartel (ed.) 1894).

119. Weidemann 1986, p. 102.

(fragmentation) but also *re*consolidation.[120] Adriaan Verhulst describes this typically Merovingian form as an 'estate… directly *cultivated by slaves, who had no holding* and lived on or near the centre of the estate. We may call it a "demesne-centred" estate (Germ. *Gutsbetrieb*)'.[121] My only quarrel with this would be to prefer 'slave and ex-slave farm servants',[122] since manumission was widespread by the seventh century and employers often retained control of their freed people.[123] The main point, however, is that the typical Merovingian estate exploited a *landless* workforce.[124] In England, the counterpart of this estate-structure, the inland, was only finally superseded in the twelfth century, in a late and brutal development of the manorial system. By contrast, the *villa*-form was distinctly archaic by the ninth century in large parts of the Continent[125] and probably disappeared earliest in the core-regions of Frankish control between the Loire and the Rhine, where the manor came to embody a new form of labour-organisation, better resourced, bigger and more efficient.

That the Merovingian estates of the late sixth and seventh centuries were not structural innovations but rooted in the cultural and economic continuities of the successor-states would, in turn, have to be argued by constructing a model of the late-Roman *villa*-estate. Like the Merovingian estate, the late-Roman *villa* was sufficiently physically coherent or compact to have a name[126] and, if it was substantial enough, to appear on maps or similar documents.[127] Both textual and archaeological evidence for the grouping of workers in settlements within the estate shows that these enterprises were based on a resident labour-force.[128] These settlements were called *vici* or *casas*; for example the Anicii, destined to be one of the richest families of the fourth-century aristocracy, owned several estates [*villae*] in the olive-growing regions along the Libyan coast already by the third century, one of these called *Casas villa Aniciorum*.[129] This was a region characterised by massive flows of migrant-labour, much of which may have been tribal. Large African estates retained 'squads' of seasonal workers for the harvest.[130] Estates that handled their own

120. Ibid.
121. Verhulst 2002, pp. 34–5.
122. Faith 1997, p. 209.
123. For example, Finberg 1972, p. 435.
124. Sprandel 1968, p. 41; Verhulst 1966, p. 146.
125. Verhulst 1991, p. 202.
126. Lancel 1972–5a, p. 822ff., referring to the dozens of named estates in North Africa as *villae vel fundi*.
127. *Itin. Ant.* 59–63 (in Cuntz (ed.) 1929), where six estates are named.
128. For example, *CTh* 9.42.8, listing *mancipia*, *casarii*, *coloni* (cf. Mommsen and Krueger (eds.) 1905). The *casarii* were probably freed slaves who were given land as wages.
129. *Itin. Ant.*, 61.2 (in Cuntz (ed.) 1929, p. 9).
130. Lancel 1972–5b, p. 978, where they are called *turbae*.

harvest were obviously 'directly managed'. And it is clear from the archaeology of the Spanish villas (villas, here, in an architectural and archaeological sense) both that much of the labour-force was housed within the estate[131] and that, in Spain at least, there was a 'substantial continuity' in the organisation of estates between the late-Roman and Visigothic periods.[132]

A major part of Wickham's argument relates to the crisis of the villas, meaning their progressive disappearance throughout the former provinces of the western Empire. Villas, in this archaeological sense – of the actual structures identified on the ground – disappear soonest in the northern parts of the Empire and last of all in the core-Mediterranean regions that remained under Roman control. In Italy, the fifth/sixth century is the period of the 'definitive dissolution of the villa system',[133] part of a much larger and complex transformation of the landscape that happened between the third or fourth and seventh centuries. Wickham downplays the catastrophist potential of this image of the withering away of the villas, proposing a cultural explanation for their demise. In another discussion of his book, I have suggested that all it reflected was the *crisis* of the Western aristocracy, the progressive loss of control of the countryside and its overall disintegration as a unified imperial class.[134] Villas survived best where the established late-Roman aristocracy also survived, for example Sicily, and simply disappeared elsewhere. But, clearly, the emergence of new élites also had a cultural context and the two explanations are easily complementary.

This raises a final issue, one which is central to Wickham's analysis and the most solid part of his book, viz. the considerable evidence for a *crisis of the aristocracy* as a major part of the transition to the early middle ages. This, too, should really come under the 'reshaping of relations of production', so that is where I shall discuss it, briefly this time.

What happened to the aristocracy?

In Wickham's reconstruction of the evidence, one major trend that runs across the whole period from the fifth to the seventh centuries is the erosion of the aristocracy. The late-Roman aristocracy survived longer in some places than in others, but the late-sixth/early-seventh century was a watershed in most places as the remnants of the senatorial class were finally absorbed, exterminated, or dispersed, and a new kind of aristocracy stabilised (as in Francia) or began its

131. Chavarría 2004, p. 70.
132. Chavarría 2005, p. 280.
133. Francovich 2002, p. 150.
134. Banaji 2007, p. 261.

gradual – in England *very* gradual – emergence after 600. The best case of this hiatus is Italy itself, for, as Wickham notes elsewhere, 'even if it is possible to track senatorial families down to the time of Gregory the Great, this is no longer so in the seventh century, not even in Rome'.[135] In other words, the Italian aristocracy suffered large-scale disruption in the sixth century. This is *one* model of what happened to the late-Roman aristocracy, but there are at least three or four others, which shows how uneven the transition was and why Wickham's approach, grounded in an acute sense of local peculiarities, is fundamental. This is a case where some degree of schematism may actually be helpful.

Model (i): *large-scale disruption* is best attested by the fate of Italy's aristocracy, partially exterminated and otherwise destroyed by war and fragmentation at various times throughout the sixth century. The Gothic war, started by Justinian, was a disaster for the landed aristocracy.

Model (ii): *aristocratic mutation*, the emergence of a new *kind* of aristocracy, more 'medieval' than late-antique. Francia is by far the best example, because it is so well documented, not so much in Gregory of Tours's sixth-century narrative as in Book Four of the *Chronicle* of Fredegar, where the focus is the early part of the seventh century and the intrigues of powerful factions of the new Frankish ruling class.[136] These precocious medieval nobilities (of the subkingdoms or *Teilreiche*) were in place by 600,[137] the products largely of royal benefactions and of the considerable circulation of estates [*villae*] within the ruling establishment (the Church included). Especially striking here is the sheer mobility of landed property, related to the rapid reversal of political fortunes in a landscape where rival kings fought to expand control and consolidate support, but the result also of an intense competition for land and a resilient land-market. The Lombards and Visigoths have their own (weaker) counterparts of these processes, except that we know much less about them. Tom Brown's work shows that the same model can almost certainly be extended to the Byzantine-controlled parts of peninsular Italy. Here, the Church remained the only element of continuity, as an administration dominated by military officials spawned new landed groups drawn from the military class; a new *kind* of élite, in other words, whatever we choose to call it.[138]

Model (iii): *survival*. Sicily and Sardinia are the pure examples of this pattern, microcosms of a late-Roman world frozen in time, the remnants of a 'Western' aristocracy basking in the protective gaze of the Eastern Empire.

135. Migliario and Wickham 1998, p. 680.
136. Wallace-Hadrill 1960.
137. James 1982, pp. 135–7; Sprandel 1961, p. 43; Lebecq 1990, pp. 138ff.
138. Brown 1984.

Here, probably *well* into the seventh century, all the basic institutions of late-Roman civilian life – the colonate, money-taxes, the substantial circulation of a gold-currency, and villas in the architectural late-Roman sense – continued with no discernible break; a model that would, in modified form, apply to North Africa as well, I think.[139]

Finally, model (iv): *flight*. A dispersion of the aristocracy which is best exemplified by the fate of the families who had dominated the East Mediterranean down to the Sasanian and Arab invasions of the seventh century (roughly, 610–42). For example, emigration was a widespread response of the Greek-speaking upper classes of the coastal towns of Syria.[140] Or, again, on the eve of the Arab invasion of Alexandria, several thousand of the wealthiest families are reported to have fled by sea. When Carthage was besieged by Ḥassān b. al-Nuʿmān al-Ġassānī in 695, the *last* late-Roman aristocracy of the Mediterranean again fled, some to Sicily, others to Spain.[141] Thus Model (iv) is best reflected in the Byzantine-controlled parts of the Mediterranean that fell to the Arabs, that is, the east and the south.

These are the broad patterns, then, at least outside the core-regions of the Empire that did survive, though it is still hard to say what happened in England in the fifth century. Wickham's impression of a dramatic pullout seems likely, though on one reading of the Welsh evidence that seems to have been much less true of south-east Wales, where Roman legacies (massive estates and charter-writing) may have suffered less dilution.[142] On balance, I would be less continuist than Wickham is for the East Mediterranean (he downplays the flight of the aristocracy,[143] as well as the massive disruption it suffered in the Arab invasions) and less fixated on aristocratic impoverishment; after all, the Umayyad élite was fabulously wealthy, North-African landowners could pay substantial sums to buy off the Arabs in 647, decades after the economic involution of Tunisia is supposed to have begun, and the top *échelon* of the late-Roman aristocracy had in any case comprised a tiny fraction even of the governing class.

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139. Agnellus, *Liber pontificalis ecclesiae Ravennatis*, 111 (in Holder-Egger (ed.) 1978, p. 350) and Orsi 1910, pp. 64–5 (money); Gregory, *Ep*. 9.129 (599) (colonate); Gregory *Ep*. 4.23 (594) (aristocracy) (cf. Gregory the Great 1891–99); Molinari 1995, pp. 224–5 (sites).

140. Caetani 1905–26, vol. 3, pp. 803ff.; Balty 1984, p. 500; Balty 1989, pp. 94–95.

141. Ibn al-Athīr 1898, p. 28; Ibn Khaldūn 1968–9, p. 213; with the date in Ṭāha 1989, pp. 69–70.

142. Davies 1978a, Chapter 3, and 1978b.

143. For example, Wickham 2005, p. 241.

Final comments: Wickham and modes of production

A key-issue is how we characterise the *dynamic* of the late Empire. For Wickham, the fiscal motor is central to this characterisation. Moreover, this was a fiscality where taxation in money was less important than taxes in kind. The coherence of the wider economy thus depended crucially on the transport of bulk goods for fiscal needs and the infrastructures this threw up. On its own, this fails to explain how it was possible for the Mediterranean to see such a substantial growth in the money-supply in late antiquity. Since Wickham has no obvious explanation for this, he tends to ignore it as well as the whole tradition of historiography that made the monetisation of taxes central to the conflicts of the fourth century. The accumulation of vast sums of gold in private hands suggests a more complex set of relationships between the aristocracy and the state, one where the neat division between them is less obvious. Tension, clearly (the state was not *reducible* to the aristocracy and their interests were often in collision), but also control and collusion, of which the colonate serves as an excellent example: see, for instance, Peter Brown's perceptive query about the extent to which the bureaucracy's 'regulations on the colonate colluded with the needs of the great landowners'.[144] My own analysis highlights other features of aristocratic dominance: huge monetary expansion and a tax-system less dominated by payments-in-kind than Marx believed or Wickham supposes;[145] a widespread use of free labour coupled with more rigorous forms of subordination that gave the aristocracy well-nigh absolute control over the lives of their employees; and the fact that government was defeated on the crucial issue of *patrocinium*.

Much of the analysis in 'The Other Transition', Wickham's first mapping of these issues, breaks down if we see state and aristocracy as integrated with each other, and not as distinct groups in competition; in other words, if we see the late-Roman state as essentially an *aristocratic* form of state, staffed and controlled by an imperial aristocracy and the site of recurrent struggles between different factions of the ruling class (rather than a 'dominate', 'monarchy', etc., the ideological representations it had of itself). Consider the rôle played *by the state* in encouraging the expansion of aristocratic properties and the emergence of new élites; and consider the integration of functions like 'tax' and 'rent' through institutions such as the the *domus divina* (the state as landholder) and

144. Brown 1967, p. 337; Brown 2007, p. 62 (from Peter Brown's review of Jones).

145. Marx 1973, p. 103, 'in the Roman empire, at its highest point of development, the foundation remained taxes and payments in kind. The money system actually completely developed there only in the army'; yet he also states, correctly, that 'the full development of money, which is presupposed in modern bourgeois society, appears only in the period of their dissolution', referring to the Hellenistic monarchies and later-Roman Empire.

the pagarchy (the aristocracy as tax-collector), and the drive to tie labour to estates. None of this suggests the kind of gap (in *class*-terms) that rival modes of production would presume, which may be why both tax and rent are now seen as 'sub-types of the same mode of production'.[146]

Wickham's characterisation of the feudal mode is unrepentantly structuralist. There is no perceptible change in the stand taken in 'The Other Transition': 'Hindess and Hirst… show, rightly in my view, that feudal relations are represented simply by tenants paying rent to (or doing labour service for) a monopolistic landowner class'.[147] One disconcerting upshot of this is that much of *Roman* history is brought under the 'feudal mode'. It was, as he says in *Framing*, 'the normal economic system of the ancient and medieval periods'.[148] The 'economic shift from the slave to the feudal mode' occurs 'well before 400, in particular in the second and third centuries'.[149] Here, the feudal mode refers simply to the expansion of tenancy; in this perspective, it would make no sense to talk of a transition *between* modes of production, since the 'feudal mode' is seen as expanding in a gradual, piecemeal fashion.

The trouble with Wickham's use of these categories is that they lack any sense of historical dynamism. There is nothing in the way they are constructed that accounts for historical *change*. For Wickham, 'mode of production' can have any of three distinct senses – i) as a form of *exploitation* (slaves/tenants/wage-labourers), ii) as a form of *organisation of labour* (labour-service/slave-plantations), and iii) as an economic *system*. At p. 284 of his book, 'cultivated by the slave-mode' simply means cultivated by slaves, so too with 'slave mode exploitation' at p. 301. At p. 273, 'modes of production' are equivalent to 'labour relations', and refer clearly to forms of organisation of labour, different ways of organising the demesne.

For the feudal mode of production, Wickham prefers sense i), for the slave-mode sense ii); this enables him to stretch the feudal mode as widely as possible, on p. 535, or in his paper 'El fin del Imperio Carolingio', and conversely to restrict the slave-mode of production to a specific time and place, for example on p. 276 of *Framing*. Slaves 'do not have to be organised according to the slave mode'[150] but Wickham prefers to *avoid calling them 'slaves'* if and when they are not!

The form of exploitation seems to have the capacity to generate an entire economic system through the kind of 'economic logic' embodied in it, for

146. Wickham 2005, p. 60.
147. Wickham 1984, p. 6.
148. Wickham 2005, p. 535.
149. Wickham 2005, p. 262.
150. Wickham 2005, p. 261.

example in his essay on the end of the Carolingian Empire,[151] which is why Wickham can equate modes of production with relations of exploitation, as in the passage just cited where 'estas distintas relaciones de explotación *representan distintos modos de producción*'.

It would be foolish to deny that Marx's handling of these categories was far from finished. He never left us with a developed or mature theory of modes of production, and a whole strand of his thinking on these issues can easily be mobilised to support the sort of equations that Wickham works with. But Marx also had a profoundly historical vision of what the different epochs or periods or modes of production were, which is, of course, best demonstrated in his analysis of capitalism. It is this second strand in his work that should form the point of departure for us. Clearly, by the capitalist mode of production, Marx meant more than the domination or widespread use of wage-labour, he meant the *laws of motion* that are summed up in the accumulation and competition of capitals. Since most of *Capital* was left unfinished, we do not have a proper or complete description of the interaction of 'many capitals', the *most dynamic part of the system*, and we tend to reduce the model to his description of individual capital in Volume One, which is one of its most abstract moments! In other words, 'relations of production', in Marx's sense at least, are just *not* reducible to the relations of exploitation depicted in Volume One. They would have to include competition, credit, share-capital, moments that each had an *Abschnitt* in the 1857 plan, as well as the 'world-market' and 'crises' to which he planned to devote the final book, all of which were concrete determinations that Marx must, presumably, have lumped together in the general heading 'shapes of the total process' that was the proposed subject-matter of 'Book Three' in the 1865/6 plan.[152] The point here is that, by 'capitalist relations of production', Marx clearly meant *all* of this and not just the general form of exploitation described with such lucidity in Volume One.

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151. Wickham 1995, p. 18, in a passage that resonates with the imagery of different modes of production or forms of exploitation (for Wickham, the same thing) co-existing in competition: for example, in the third, fourth and fifth centuries, exaction of the peasant-surplus by landlords ('feudal exploitation') was supplemented by, and partly in competition with, fiscal exactions from both landowners and peasants alike. 'In another paper, I have suggested that *these distinct relations of exploitation represent distinct modes of production*, insofar as each is defined by a different economic logic… [En otro estudio he propuesto que *estas distintas relaciones de explotación representan distintos modos de producción*, por cuanto tienen una lógica económica diferente…]'; emphasis mine.

152. Rosdolsky 1974, pp. 24ff.

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